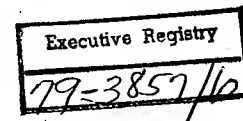




Washington, D.C. 20505



OGC 79-04175

10 MAY 1979

The President
The White House
Washington, D.-C. 20500

Dear Mr. President:

I am writing to you at this time to request that you exercise your authority under the Ethics in Government Act of 1978 to exempt from public disclosure the financial reports filed under that Act by CIA personnel and to authorize the filing of additional reports as are necessary to protect the identities of such personnel. Not included in this request for an exemption are the reports of the Director of Central Intelligence, the Deputy Director of Central Intelligence, and the designated agency official who is responsible for implementation of the Act within CIA. These three reports will be available for public inspection.

I wish to assure you that in reaching this conclusion I have not taken my responsibilities lightly, but have considered several alternatives and balanced the competing interests. In attempting to determine the extent to which public availability of the reports of CIA personnel would compromise the national interest, I have conducted an Agency-wide review over the past four months.

At the outset I must say that, without a doubt, the public disclosure of the reports of employees who are or in the future may be utilized in an undercover status would render cover arrangements ineffectual, lead to a severance of CIA relationships with some organizations that provide cover, and, quite likely, result in placing many Agency personnel and their families in immediate personal jeopardy. The same is true with respect to certain employees, past or present, who at one time were under cover. In addition, even employees never under cover nor likely to be would, with their families, be caused to assume an unacceptable degree of personal jeopardy which would not occur if they were employees of an agency engaged in less newsworthy activities.

I considered as one alternative an approach that would leave open to public disclosure the financial reports of CIA employees who could never be expected to assume a cover status and whose identities may not seem to require protection under the law. However, I rejected this option both because it would diminish the utility and flexibility now enjoyed in assigning Agency personnel for tours of duty and because it cannot be determined with any certainty that an employee would never be placed under cover at some later date. Moreover, since my responsibilities for the security of intelligence agencies and personnel and the exemption afforded under the Act extend beyond undercover individuals and encompass other sensitive information that would compromise the national interest, an exemption even for the reports of overt employees is important. One example of this is that official job descriptions of reporting officials must be released to the public along with the financial disclosure statements. These descriptions could reveal the internal organization and workings of the Agency, even if the officials involved could be identified openly as CIA employees. The risks inherent in such disclosures caused Congress, in 1949, to enact Section 6 of the Central Intelligence Agency Act, in order to implement the more general proviso of the National Security Act of 1947, "[t]hat the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure." Section 6 specifically exempts the Agency from any law which requires "the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency." If the Director is to be able to carry out his statutory responsibility to protect intelligence sources and methods from unauthorized disclosure, information of this sort, which is specifically protected against disclosure by the Central Intelligence Agency Act of 1949, also warrants the protection afforded under the ethics law.

An additional factor leading me to my conclusion is the counterintelligence impact of financial disclosures by intelligence officials for the scrutiny not only of the American public but also of hostile clandestine services. While it is true that in some instances the names of Agency personnel already are being disclosed today, as for example in the open correspondence with Congress by members of my legal, legislative and intelligence community staffs, and in other contexts as well, these effects cannot be equated with the disclosure of detailed financial information. Disclosure of such personal information could prove a valuable asset indeed in assessment, targeting, or exploitation efforts directed at Agency employees by foreign intelligence services.

A further consideration is the undue personal jeopardy in which employees and their families could be placed without regard to their cover status or Agency duties. The constant publicity given to Agency activities and the controversy which some of this publicity generates make it likely that publicly available financial disclosure statements of Agency employees will be publicized. Such publicity will make those employees possible targets not only for terrorists or ordinary criminals, but particularly for cranks and mentally unstable individuals who constantly blame the Agency for their problems, whether real or imagined.

Finally, I considered, and rejected, the alternative of permitting the public availability of the reports of a handful of the most senior, and most visible, Agency officials. An approach of this nature, I believe, falls victim to the same considerations applicable to other employees and, indeed, is exacerbated because of the access of these senior employees to our most vital secrets.

Accordingly, I believe that the publication of the names and financial statements of senior Agency officials would adversely affect the security of U. S. intelligence collection efforts generally and, as a result, compromise the national interest. In view of these considerations, I am hopeful you will agree to a total exemption, except as to the three reports indicated. If you do agree, I recommend that you sign a letter such as that enclosed in draft to the Director, Office of Government Ethics, Office of Personnel Management, indicating your decision to exempt from the public disclosure provisions of the law those reports filed by present, past, or future employees of the CIA, and of individuals assigned for duty with CIA from elsewhere in the Federal Government, and to authorize the filing of additional reports as may be necessary to protect the identities of such individuals in accordance with the provisions of the Ethics in Government Act.

If you approve my recommendation, CIA personnel of course will remain fully subject to the filing and other requirements of the Act. They will become exempt only from the Act's provisions relating to the public availability of financial reports.

Yours respectfully,

/s/ Stansfield Turner

STANSFIELD TURNER

Enclosure